

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.,

Plaintiff,

vs.

CANTON II, INC.,

Defendant.

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SA-21-CV-01296-JKP

ORDER

Before the Court is the above-styled and numbered cause of action, which was referred to the undersigned for all pretrial proceedings on January 24, 2022 [#13]. After filing suit, Plaintiff sought the appointment of a receiver to facilitate sale of the underlying property. On March 21, 2022, the parties jointly requested that the appointed Receiver be permitted to sell the property prior to entry of a scheduling order [#16]. The Court ordered the parties to file a status report within sixty days indicating whether the case has been resolved through sale of the property or a scheduling conference is needed [#19].

The parties filed their first Joint Status Report on May 23, 2022 [#26]. In that status report, the parties indicated that a scheduling conference was not yet needed, and the Receiver was continuing to work towards sale of the underlying property. At that time the Court ordered the parties to file a second status report within sixty days indicating whether the case has been resolved through sale of the property or a scheduling conference is needed [#28].

The parties filed their second Joint Status Report on August 4, 2022 [#31]. In their most recent Joint Status Report, the parties indicate that that the Receiver has selected a potential purchaser for the underlying property and anticipates filing a motion for Court approval of the

sale of the property within 30 business days. The parties are still in discussions regarding the fees and expenses incurred by Defendant's counsel. They anticipate that the sale of the property may need to be completed before the issue of fees can be resolved, and that the balance of the case may be resolved pursuant said sale. In light of the foregoing, the Court will order the parties to file another joint status report in sixty days.

IT IS THEREFORE ORDERED that the parties submit a joint status report **on or before October 11, 2022**, indicating whether the case has been resolved or a scheduling conference is needed.

SIGNED this 10th day of August, 2022.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE